
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Fieldhouse

Attorney Docket No.: VESTP003

Application No.: 10/032,900

Examiner: TIEU, Binh Kien

Filed: December 26, 2001

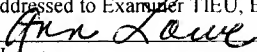
Group: 2614

Title: TOLL FREE CALLING ACCOUNT
RECHARGE SYSTEM AND METHOD

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted to the U.S.
Patent and Trademark Office, Central Facsimile Telephone number (571) 273-8300 on
this day January 22, 2007 addressed to Examiner TIEU, Binh Kien.

Signed: _____


Ann Lowe

REPLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated August 23, 2006, a response to which is due January 23, 2007, with a request for a two-month extension of time, please enter the following amendments and consider the following remarks:

IN THE CLAIMS

1-6. (Canceled)

7. (previously presented) A wireless telephone device having an associated stored-value calling account, the wireless telephone device comprising:

a selector;

a communications program configured to communicate with a recharge service via a communication network; and

a recharge option selectable by a user upon actuation of the selector, the recharge option being configured to cause the communications program to contact a recharge server of the recharge service and add a predetermined recharge amount to the stored-value calling account, and to initiate both a connection to the communication network and a recharge transaction with the recharge service via the communication network, in order to add calling units to the stored-value calling account.

8. (currently amended) The wireless telephone device of claim 7, wherein the predetermined recharge amount is added to the calling account without further user input ~~user-input~~.

9. (Original) The wireless telephone device of claim 7, wherein the fee for the predetermined recharge amount is billed according to information stored in a user profile on record with the recharge service.

10-12. (Canceled)

13. (currently amended) A wireless telephone device having an associated stored-value calling account, the wireless telephone device comprising:

a selector;

a communications program configured to communicate with a recharge service via a communication network, the communications program including a telephone communications program and the communication network including the PSTN, and

a recharge option selectable by a user upon actuation of the selector, the recharge option being configured to cause the communications program **to contact a recharge server of the recharge service and to add a predetermined recharge amount to the stored-value calling account and** to initiate both a connection to the communication network and a recharge transaction with the recharge service via the communication network, in order to add calling units to the stored-value calling account;

wherein the recharge option is an entry in a contacts list, the entry, upon selection, being configured to cause the telephone communications program to initiate a telephone call to the recharge service.

14-22. (Canceled)

23. (currently amended) A wireless telephone device having an associated stored-value calling account, the wireless telephone device comprising:

a selector;

a communications program configured to communicate with a recharge service via a communication network; and

a recharge option selectable by a user upon actuation of the selector, the recharge option being configured to cause the communications program **to contact a recharge server of the recharge service and to add a predetermined recharge amount to the stored-value calling account and** to initiate both a connection to the communication network and a recharge transaction with the recharge service via the communication network, in order to add calling units to the stored-value calling account;

wherein the communication program is configured to access a toll-free gateway in the communication network when communicating with the recharge service.

24-39. (Canceled)

40. (currently amended) A method of recharging a stored-value calling account, comprising:

installing a recharge option in a wireless telephone device, the recharge option being configured to initiate a recharge transaction, in order to add calling units to a stored-value calling account associated with the wireless telephone device;

displaying the recharge option on the wireless telephone device;

receiving a user selection of the recharge option;

in response to the received user selection of the recharge option, **contacting a recharge server of a recharge service and adding a predetermined recharge amount to the stored-value calling account, and** both establishing a connection to a communication network and initiating the recharge transaction;

receiving information relating to a payment account for paying for the user-selected recharge option; and

applying fraud detection measures in association with the payment account, including assessing a risk level of the transaction by identifying any fraud indicators associated with the payment account, and determining whether the assessed risk level meets or exceeds a predetermined threshold.

41-45. (Canceled)

46. (currently amended) A method of recharging a stored-value calling account, comprising:

installing a recharge option in a wireless telephone device, the recharge option being configured to initiate a recharge transaction, in order to add calling units to a stored-value calling account associated with the wireless telephone device;

displaying the recharge option on the wireless telephone device;

receiving a user selection of the recharge option;

in response to the received user selection of the recharge option, **contacting a recharge server of a recharge service and adding a predetermined recharge amount to the stored-value calling account, and** both establishing a connection to a communication network at least partially via a toll-free gateway on the communication network; and initiating the recharge transaction.

47-54. (Canceled)

55. (currently amended) A method of recharging a stored-value calling account, comprising:

installing a recharge option in a wireless telephone device, the recharge option being configured to initiate a recharge transaction, in order to add calling units to a stored-value calling account associated with the wireless telephone device;

displaying the recharge option on the wireless telephone device;

receiving a user selection of the recharge option;

in response to the received user selection of the recharge option, contacting a recharge server of a recharge service and adding a predetermined recharge amount to the stored-value calling account;

establishing a connection to a communication network;

initiating the recharge transaction;

receiving information relating to a payment account for paying for the user-selected recharge option; and

applying fraud detection measures in association with the payment account, including assessing a risk level of the transaction by identifying any fraud indicators associated with the payment account, and determining whether the assessed risk level meets or exceeds a predetermined threshold.

REMARKS

Claims 1-6, 10-12, 14-22, 24-39, 41-45 and 47-54 have been canceled. Claims 7-9, 13, 23, 40, 46 and 55 are now pending in this application.

Reconsideration of the application is earnestly requested. The Examiner is thanked for the telephone interview of January 18, 2007 in which the below remarks were discussed.

Claims 7-9

The Office action has rejected claims 7-9 under 35 USC §103 as being unpatentable over *Hansen et al.* (*Hansen*) in view of *Dahm et al.* (*Dahm*) and further interview of *Chan et al.* (*Chan*). But, *Chan* is not prior art to the present invention because it is a continuation of the *Suryanarayana et al.* (*Suryanarayana*) reference which has already been overcome.

The Office action dated September 1, 2005 rejected numerous claims as being anticipated by *Suryanarayana* (U.S. Patent No. 6,487,401). But, Applicant's reply dated December 22, 2005 included a declaration and other evidence demonstrating completion of their invention prior to the filing date of *Suryanarayana*, and also pointed out why *Suryanarayana* did not anticipate the claimed invention. The Office action dated March 1, 2006 evidently agreed with Applicant's position because the *Suryanarayana* reference was withdrawn. The *Chan* reference is quite clearly a continuation of the *Suryanarayana* reference. Therefore, the *Chan* reference has the same prior art filing date of the *Suryanarayana* reference and includes exactly the same disclosure. Thus, the *Chan* reference is not prior art to the presently claimed invention for the same reasons why the *Suryanarayana* reference is not prior art.

It is therefore respectfully requested that the rejection of claims 7-9 based upon *Chan* be withdrawn, and that these claims be allowed.

Claims 23 and 46

The Office action has rejected claims 23 and 46 under 35 USC §103 as being unpatentable over *Hansen et al.* (*Hansen*) in view of *Dahm et al.* (*Dahm*) and further in view of *Hopper et al.* (*Hopper*).

Applicant has amended claim 23 to further require “the recharge option being configured to cause the communications program to contact a recharge server of the recharge service and to add

a predetermined recharge amount to the stored-value calling account.” The Office action relies upon this limitation as being present in the *Chan* reference (see Office action page 2 paragraph “a” and the rejection of claim 7). Because the *Chan* reference is not available as prior art for the reasons listed above, it is submitted that amended claim 23 is now patentable.

Applicant has amended claim 46 to further require "contacting a recharge server of a recharge service and adding a predetermined recharge amount to the stored-value calling account." As pointed out above, the Office action relies upon this limitation as being present in the *Chan* reference (in the rejection of claim 7). Because the *Chan* reference is not available as prior art for the reasons listed above, it is submitted that amended claim 46 is now patentable.

Claims 40 and 55

Applicant has amended claim 40 to further require "contacting a recharge server of a recharge service and adding a predetermined recharge amount to the stored-value calling account." As pointed out above, the Office action relies upon this limitation as being present in the *Chan* reference (in the rejection of claim 7). Because the *Chan* reference is not available as prior art for the reasons listed above, it is submitted that amended claim 40 is now patentable.

Applicant has amended claim 55 to further require "in response to the received user selection of the recharge option, contacting a recharge server of a recharge service and adding a predetermined recharge amount to the stored-value calling account." As pointed out above, the Office action relies upon this limitation as being present in the *Chan* reference (in the rejection of claim 7). Because the *Chan* reference is not available as prior art for the reasons listed above, it is submitted that amended claim 55 is now patentable.

Claim 13

In Applicant's previous reply dated June 29, 2006 Applicant pointed out at page 11 that claim 13 has been amended to incorporate all the elements of claim 1. In fact, claim 13 had been amended (and does still contain) all of the claim elements of claim 10 as well, a dependent claim from which claim 13 had previously depended. Applicant apologizes for not making this clear earlier. Applicant would like to point out that the current Office action does not address two limitations of claim 13 that had previously been present in claim 10: the communications program includes a telephone communications program, and the communication network includes the PSTN.

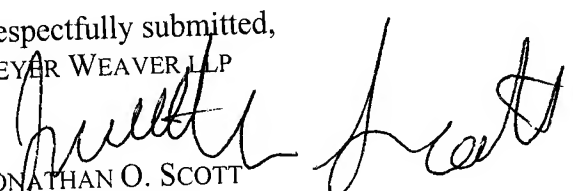
The Office action has again rejected claim 13 under 35 USC §103 as being unpatentable over *Hansen et al.* (*Hansen*) in view of *Dahm et al.* (*Dahm*), the same exact references used to reject claim 13 in the previous Office action dated March 1, 2006. Applicant argued for the patentability of claim 13 in light of those two references in its previous reply dated June 29, 2006. In response, the current office action at page 2 states that "Applicant's arguments . . . with respect to the rejection of claims 1-55 under the combination of previously cited references have been fully considered and are persuasive. Therefore, the rejection has been withdrawn."

Presumably then, claim 13 is now allowable because the rejection of that claim based upon the *Hansen* and *Dahm* references has been withdrawn. But, the current rejection of claim 13 again cites the *Hansen* and *Dahm* references and does not cite any new prior art. Further, the previous Office action at page 4 had rejected claim 13 based upon column 10 of *Dahm*. The current Office action at page 6 again cites column 10 of *Dahm*. Because the current office action states that Applicant's arguments have been persuasive and that the rejection has been withdrawn, and because the current rejection of claim 13 does not cite any new prior art, Applicant submits that claim 13 is now allowable even before any amendment.

Nevertheless, Applicant has amended claim 13 to further require "the recharge option being configured to cause the communications program to contact a recharge server of the recharge service and to add a predetermined recharge amount to the stored-value calling account." As pointed out above, the Office action relies upon this limitation as being present in the *Chan* reference. Because the *Chan* reference is not available as prior art for the reasons listed above, it is submitted that amended claim 13 is now patentable.

Reconsideration of this application and issuance of a Notice of Allowance at an early date are respectfully requested. If the Examiner believes a telephone conference would in any way expedite prosecution, please do not hesitate to telephone the undersigned at (612) 252-3330.

Respectfully submitted,
BEYER WEAVER LLP


JONATHAN O. SCOTT
Reg. No. 39,364

BEYER WEAVER LLP
P.O. Box 70250
Oakland, CA 94612-0250

Telephone: (612) 252-3330
Facsimile: (612) 825-6304